THE UNITED STATES AND GENOCIDE

(RE)DEFINING THE RELATIONSHIP

Jeffrey S. Bachman
The United States and Genocide

There exists a dominant narrative that essentially defines the US’ relationship with genocide through what the US has failed to do to stop or prevent genocide, rather than through how its actions have contributed to the commission of genocide. This narrative acts to conceal the true nature of the US’ relationship with many of the governments that have committed genocide since the Holocaust, as well as the US’ own actions. In response, this book challenges the dominant narrative through a comprehensive analysis of the US’ relationship with genocide.

The analysis is situated within the broader genocide studies literature, while emphasizing the role of state responsibility for the commission of genocide and the crime’s ancillary acts. The book addresses how a culture of impunity contributes to the resiliency of the dominant narrative in the face of considerable evidence that challenges it. Bachman’s narrative presents a far darker relationship between the US and genocide, one that has developed from the start of the Genocide Convention’s negotiations and has extended all the way to present day, as can be seen in the relationships the US maintains with potentially genocidal regimes, from Saudi Arabia to Myanmar.

This book will be of interest to scholars, postgraduates, and students of genocide studies, US foreign policy, and human rights. A secondary readership may be found in those who study international law and international relations.

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The United States and Genocide
(Re)Defining the Relationship

Jeffrey S. Bachman
To my Mom for all of her love and support. May she rest in peace.

And to the victims of US foreign policy, past, present, and future.
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In 2013, Win/Gallup International published the results of a massive survey that asked more than 66,000 people in 65 countries to identify which country posed the greatest threat to world peace. The results were overwhelming. The US received 24 percent of the vote. Pakistan was closest to the US, receiving a mere 8 percent of the vote, followed by China at 6 percent, and Afghanistan at 5 percent.\(^1\) There is a reason for this. In the post-World War II era, the US “has been far and away the most belligerent and destructive of the world’s nations, internationally speaking.”\(^2\)

A little more than three years after Japan surrendered, ending World War II, the United Nations General Assembly adopted the Convention on the Prevention and Punishment of the Crime of Genocide on December 9, 1948, which then entered into force two years later on January 12, 1951.\(^3\) Since then, the US has been involved in a near-continuous stream of violence and atrocities. From 1950 to 1953, in response to North Korea’s invasion of South Korea, the US “carpet-bombed the north for three years with next to no concern for civilian casualties.”\(^4\) During the Korean War, the US dropped 635,000 tons of bombs and 32,557 tons of napalm on the Korean Peninsula—more than the entire amount used against Japan during World War II. Upwards of three million civilians were killed, most of them residing in the North.\(^5\) In an interview with the Office of Air Force History, Curtis LeMay, head of Strategic Air Command during the war, recalled, “Over a period of three years or so, we killed off—what—20 percent of the population of Korea as direct casualties of war, or from starvation and exposure?”\(^6\)

During the 1960s and 1970s, the US engaged in a war of aggression against the Vietnamese people. From 1965 to 1975, the US dropped more than seven million tons of bombs and other munitions on South and North Vietnam, equaling the explosive force of approximately 640 atomic bombs like the one used on Hiroshima.\(^7\) As Adam Jones stresses, “This was more than was dropped by all countries in all theaters of the Second World War.”\(^8\) The US also used eight million tons of other ordnance and 400,000 tons of napalm, an incendiary weapon.\(^9\) Throughout the duration of this aggressive war, as many as three million people were killed. As the aggressor in an illegal
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war, the US is responsible for every death in Vietnam that would have been avoided had the US never attacked the people of Vietnam.

In 1965, the US conspired with Indonesian officials to kill communists in Indonesia. Soon after a coup brought General Suharto to power, mass killings of members of Indonesia’s Communist Party and its sympathizers began.10 From late 1965 to early 1966, over a period of six months, the Indonesian Army and its civilian proxies murdered hundreds of thousands of people. Benedict Anderson puts the minimum number of people killed at 600,000, with the possibility of upwards of two million deaths.11 During this time, in addition to material and diplomatic support, the US also systematically compiled a list of as many as 5,000 Indonesian Communist leaders, which was delivered to Indonesian officials. The US allegedly checked off the names of individuals as they were killed.12

For nine months, beginning in March 1971, Pakistan conducted military operations in Bangladesh (then East Pakistan), killing at least one million people, and forcing another ten million to seek refuge in India.13 The violence was preceded by contentious elections in 1970 that resulted in the Awami League, based in East Pakistan, winning 167 of 313 seats in Pakistan’s National Assembly and becoming the majority party. Yahya Khan, Pakistan’s President and Chief Martial Law Administrator, viewed the Awami League’s electoral victory as a threat to Pakistan’s territorial integrity, and refused to seat the newly elected government. On March 25, 1971, as tensions mounted, Pakistan launched ‘Operation Searchlight,’ a massive military assault on the East’s capital city of Dhaka.14 Prior to and while Pakistan was killing its own people, the US provided Pakistan with material and diplomatic support. Regional interests and Pakistan’s role as intermediary between the US and China were too important to allow “a little matter of genocide” to interfere.15

Similarly, the US provided Guatemala with material and diplomatic support while it was committing genocide against its Mayan population. From 1979 to 1983, the Guatemalan military viewed Guatemala’s Mayans as a support base for leftist rebels, labeling them “enemies” of the state. During this time, “massive and indiscriminate aggression” was directed against Mayan communities “independent of their actual involvement in the guerrilla movement and with a clear indifference to their status as a non-combatant civilian population.”16 The peak of the killings came following General Efraín Ríos Montt’s military coup in March 1982. During his eighteen months in office, Ríos Montt oversaw the murder of as many as 80,000 Guatemalans.17

In 1987 and 1988, when Iraq was gassing members of its Kurdish population, the US was once again providing a government killing its own people with material and diplomatic support. In what is known as the Anfal Campaign, Iraq killed between 50,000 and 100,000 people over a seven-month period.18 Only three years later, the US initiated a war with Iraq under the pretense of protecting Kuwaiti sovereignty. In August 1990, Iraq invaded Kuwait, which was followed by the initiation of a brutal sanctions regime.
In January 1991, the US launched ‘Operation Desert Storm’. In the process of ejecting Iraq from Kuwait, the US intentionally attacked Iraq’s civilian infrastructure, including electricity and sanitation facilities. The sanctions that were implemented following Iraq’s invasion and occupation of Kuwait were maintained even after Iraq was expelled. Though the sanctions were administered by the UN, there is general agreement that the US was primarily responsible for drafting the sanctions and ensuring they were maintained and enforced. The combination of damage to the infrastructure and the enforcement of a sanctions regime described as the most comprehensive in history caused a precipitous decline in public health in Iraq. By 1998, more than one million Iraqis died from circumstances connected to the sanctions, including as many as 500,000 children.

The sanctions continued until the US once again invaded Iraq in 2003. The US claimed the invasion was necessary for reasons including Iraq’s alleged connections with al-Qaeda, its alleged “WMD” program, and its treatment of members of its own population. A Physicians for Social Responsibility (PSR) report published in 2015 cited a Lancet study which found that 655,000 Iraqis were killed between 2003 and 2006. Further, PSR notes, should the number of Iraqis killed from the 2003 U.S. invasion until 2012 actually be around one million, as the analysis of the existing scientific studies presented in the present study suggests, this would represent 5% of the total population of Iraq—a number which additionally indicates the extent of the corresponding damage inflicted upon society and the infrastructure.

In addition to the people killed in the US war of aggression and those killed as a result of the war, cultural sites were destroyed. Iraq also experienced a looting of cultural artifacts on a scale not seen since the Mongol’s invaded Baghdad in 1258.

In addition to its foreign exploits, the US maintained policies at home designed to strip indigenous youth of their cultural identity. These policies included, among others, the forcible transfer of children from their families, prohibition of the use of their language, and the destruction of historical or religious monuments or their appropriation for other use. Individually and collectively, these policies represent acts of cultural genocide. Importantly, during the Genocide Convention’s drafting process, the US aggressively opposed the inclusion of cultural genocide, even threatening to undermine the treaty’s adoption if the final text included cultural genocide. For example, during negotiations the US issued a thinly veiled threat:

Were the Committee to attempt to cover too wide a field in the preparation of a draft convention for example, in attempting to define cultural genocide—however reprehensible that crime might be—it might well run the risk to find some States would refuse to ratify the convention.
Problems of definition

Despite all the above, the US has largely been excluded as a focus of genocide studies. There are three interconnected reasons for this: problems of definition, the associated limitations on cases selected for analysis, and the culture of impunity that surrounds US policies worldwide. According to Benjamin Lieberman,

No other branch of history or field of inquiry centered on historical events is so dependent on a definition as genocide studies. Studies of war, politics, wealth and poverty, society, culture, men and women, and a host of other topics have all given rise to detailed analysis of terms and definition; but no other field depends for its very existence upon the invention and definition of a single term.26

The legal definition of genocide, codified in the Genocide Convention, has proven inadequate, which has contributed to the proliferation of dozens of scholarly definitions.27 Some scholars, nonetheless, continue to rely on the legal definition. For example, in his important work, Genocide: Its Political Use in the Twentieth Century, Leo Kuper declares,

I shall follow the definition of genocide given in the [UN] Convention. This is not to say that I agree with the definition…. However, I do not think it helpful to create new definitions of genocide, when there is an internationally recognized definition and a Genocide Convention which might become the basis for some effective action, however limited the underlying conception.28

This is consistent with the deliberative school of thought on human rights. Central to this school is the belief that “there are no human rights beyond human rights law.”29 For deliberative scholars, in an international system still dominated by state actors, efforts to evaluate state actions using a set of requirements unrecognized by states would be an exercise in futility.

Yet, the legal definition of genocide was not determined by an objective process. Instead, through a process that began with the development of the initial Secretariat Draft of the treaty, the Genocide Convention was shaped by states negotiating on behalf of their interests. The Secretariat Draft was replaced by the Ad Hoc Committee Draft, which was ultimately superseded by the final adopted text. All the while, negotiating parties were able to determine the treaty’s specific language and provisions, including both treaty obligations and prohibitions. As Beth Van Schaack aptly notes, examination of the Genocide Convention’s preparatory works reveals the way in which political bodies may attempt to limit their obligations under international law when they reduce customary law
norms to positivistic expression in multilateral treaties. In this case, the Convention had to respond to the tragedy of the Nazi Holocaust. At the same time, however, the Convention could not implicate member nations on the drafting committee.\textsuperscript{30}

The legal definition of genocide, then, is a political one. Employing the legal definition thus imposes political limitations on the scholarly study of genocide. As Gérard Prunier notes, adhering strictly to the legal definition “runs the risk of falling into largely abstract formalism and of not seeing [emphasis in original] the realities on the ground because it insists on their being framed by pre-defined and inapplicable conditions.”\textsuperscript{31} More explicitly, Israel Charny declares, “Insofar as there is ever a major discrepancy between the reality of masses of dead people and our legal-scholarly definitions, it is the latter which must yield and change.”\textsuperscript{32} Central to Prunier’s and Charny’s critiques of the legal definition is its inapplicability to most mass death-producing events. However, Charny goes further, asserting that scholarly definitions, too, may not adequately encompass all the acts that ought to be recognized as genocide. Thus, like the legal definition, scholarly definitions must yield and change to encompass reality.

Ultimately, whether legal or scholarly, a narrow definition of genocide will apply to only a small number of cases. In fact, William Schabas counts the Tutsi genocide in Rwanda as the only post-Jewish Holocaust case of genocide, as determined by the legal definition.\textsuperscript{33} This exemplifies the need for an alternative definition of genocide. Contributions to genocide studies have been extraordinarily interdisciplinary. Early contributions to the field of genocide studies came from historians, legal theorists, political scientists, moral philosophers, and sociologists. Newer contributions have come from the disciplines of anthropology, indigenous studies, and gender studies.\textsuperscript{34} This further demonstrates the diversity in genocide studies and its continued scholarly relevance. Jones writes that the “all hands on deck” approach to the study of genocide has left “the field in a constant state of evolution, exploration—and confusion.”\textsuperscript{35} As a result, Jones concludes it is best to accept that genocide “will forever be an ‘essentially contested concept.’”\textsuperscript{36} A contested concept of genocide has ripple effects on the study of genocide. The definition of genocide determines which acts within which contexts are relevant to genocide studies. Therefore, there exists a direct link between the definition of genocide a scholar uses and the cases selected for analysis. Put differently, if genocide is a contested concept, then so too are suspected cases of genocide. Hence, as it relates to the study of the US relationship with genocide, if US actions do not fit within a particular definition of genocide, the lack of case analysis involving the US could be justified on those grounds.

Yet, it is possible that the definitions themselves have been influenced by unconscious and conscious biases. In other words, the relationship could be an inverse one. Rather than definitions of genocide determining the cases
studied, the selected cases could also influence how scholars define genocide. Levon Chorbajian argues that political agendas have greatly complicated how scholars define and analyze genocide. “Indeed,” according to Chorbajian,

these agendas often masquerade as legitimate scholarly disagreements since it is more efficacious and seemly and because, unfortunately, apologists who specialize in the concealment of developing or ongoing genocides and the denial of past ones are not unknown in academia. 37

Similarly, Charny argues that political pressures have inevitably influenced the development of scholarly definitions of genocide. According to Charny, there are “insidious types of political pressure on the definition of genocide that issue from entirely respectable intellectual circles. The subject of genocide draws intense political fire over which events of mass murder are to be considered bona fide genocides.”38

My definition of genocide is as comprehensive as it will be controversial. I define genocide as the attempt to eliminate, in whole or in part, a national, political, social, ethnic, racial, cultural, or socioeconomic group with the purpose of destroying it as such or achieving a particular political, social, or economic objective. Membership in any of the aforementioned groups may be assigned by the group’s members or by the perpetrators. The methods through which genocide can be carried out include killing members of the group; deliberately imposing conditions that are likely to cause the deaths of members of the group; and enacting policies that seek to erase the group’s cultural identity, also known as cultural genocide. Genocide may occur in times of peace and war, with aggressive war sharing a nexus with the crime of genocide. Furthermore, both unarmed and armed—noncombatant and combatant—members of the targeted group qualify as victims of genocide. As compared to other definitions in the field of genocide studies, the most controversial elements of my definition are its moderated intent requirement; the inclusion of cultural genocide and “indirect” genocide; its nexus between aggressive war and genocide; and the inclusion of armed individuals as potential victims of genocide.

The controversial nature of my definition of genocide and its impact on my study of the US relationship with genocide requires that the definition be conceptually sound and rigorously defended. It brings within the scope of genocide cases that other scholars might categorically exclude. Thus, in Chapter 2, I offer a point-by-point defense of my definition, situated in the genocide studies literature. In addition to broadening the definition of genocide, I also emphasize the importance of state responsibility for genocide and its ancillary crimes—including conspiracy to commit genocide, complicity in genocide, and failure to prevent genocide. I provide readers with a brief explanation of what state responsibility is under international law, along with a summary of what I refer to as the “Bosnia v. Serbia Precedent.”
In subsequent chapters, I apply my definition of genocide and the Bosnia v. Serbia Precedent regarding state responsibility for genocide to numerous cases that involve the US. In addition to those cases in which the US was directly responsible for atrocities, the analysis of US responsibility for genocide using the Bosnia v. Serbia Precedent is significant in that it redirects the attention in genocide studies away from whether the US could do more to prevent genocide to what role the US has played in connection to the actions of other states when they have committed genocide.

A culture of impunity

It is unlikely that scholarly definitions alone can explain why the US has been largely excluded from genocide studies. The general absence of US cases in the study of genocide would seem to indicate something more—a belief among genocide scholars that cases involving the US are distant enough from the concept of genocide that they do not warrant widespread exploration in genocide studies. Jones coined the term “democrisy” to refer to “the stain of hypocrisy that attaches to regimes that are avowedly democratic in character, that allow comparative freedom and immunity from naked state violence domestically, but that initiate or participate in atrocious actions beyond their borders.” For many, the US cannot be hypocritical in its actions, because the US only uses force as a last resort and with the right intentions. When the US does kill “innocent” people, as opposed to the “guilty” people it “justifiably” kills, it is the result of “tragic mistakes.” Those who dare suggest the US is responsible for atrocious acts are “viewed as intemperate or ungrateful at best, dangerous or extremist at worst.” As Jones notes,

The result is an effective ‘culture of impunity,’ in which the atrocities committed by Western states and their allies are systematically ignored, explained away, defined out of existence, or openly celebrated—anything to preserve them from serious and objective criticism.

Chorbajian argues that objections to genocide accusations against the US are “not so much from skittishness at implicating the US in genocide,” but from a determination that US actions amounted to something other than genocide. However, Denis Halliday, who resigned as UN Humanitarian Coordinator in Iraq in 1998 in protest over the economic sanctions, stated later that he was made to feel as though he “had crossed an invisible line of impropriety” for daring to describe the impact of economic sanctions as “genocide.” Halliday notes, “Perhaps for most, the term ‘genocide’ is too emotive and too intimate to our democratic obligation to accept responsibility for even the most disagreeable actions undertaken by our respective governments.” R.J. Rummel’s study of democide—“the murder of any person or people by a government, including genocide, politicide, and mass
murder”—exemplifies the role bias can play in the study of genocide and other mass atrocity crimes. In his research, Rummel focused intensively on the crimes committed under Stalin, Mao, and Pol Pot, but “was far less persuasive in addressing (or rather, failing to address) the politically tinged slaughters inflicted and abetted by capitalist and ostensibly democratic pol-

ices, notably his own country, the United States.” In the context of the US war on Vietnam, Rummel claimed that “the U.S. democide in Vietnam seems to have killed at least 4,000 Vietnamese civilians, POWs, or enemy seeking to surrender, maybe as many as 10,000 Vietnamese. A prudent figure may be 5,500 overall.” Thus, according to Rummel’s utterly implausible calculations, out of the more than two million Vietnamese who were killed during the US war on Vietnam, all except a few thousand deaths were attributable to some other actor or were justified.

The “Samantha Power Effect”

Perhaps no contemporary figure has done more to contribute to US impu-
nity in the study of genocide than Samantha Power. Power’s book “A Prob-
lem from Hell”: America and the Age of Genocide is the most widely read and influential in the history of genocide studies. The publisher promotes “A Problem from Hell” as a “convincing and definitive interrogation of the last century of American history and foreign policy.” In 2003, it won the Pulitzer Prize for General Non-Fiction. Yet, “A Problem from Hell” does not live up to its description. Instead of truly interrogating the US relationship with genocide, Power overstates the role of US leadership in the creation of the Genocide Convention, omits cases of genocide in which the US was involved, and understates the US role in the cases she does include.

According to Power, the US took on a leadership role in drafting the Genocide Convention and seeing it through to its adoption by the General Assembly. Power claims, “The UN passage had been an American effort in many respects.” The US was even the first state to sign the Genocide Con-

vention on December 11, 1948. However, the US failed to ratify the treaty until November 25, 1988. Thus, writes Power, “The early U.S. leadership on the genocide treaty largely evaporated in the months and years that fol-

lowed.” The use of “leadership” to describe the US role in drafting the Genocide Convention has an obvious positive connotation. It portrays the US as having guided the other members of the international community on the path to outlawing a crime that shocked the conscience of humankind not once, but twice in the first half of the 20th century. If it were not for American leadership, a treaty prohibiting the crime of genocide might not have been realized.

While there is truth to this, it paints an incomplete picture. The US did play an active role in the drafting process, and it did consistently engage in the negotiations that concluded with a draft of the treaty that was unan-
imously adopted on December 9, 1948. However, what it ignores is the
impact of US “leadership” on the language of the Genocide Convention. Ward Churchill rightly refers to US participation in drafting the Genocide Convention as “gutting the convention.”

When it came time for the drafting of the actual genocide convention, however, the United States conducted itself in what can only be described as a thoroughly subversive fashion. This began with its response to the initial draft instrument, a document which sought to frame the crime in a manner consistent with accepted definition.

Foremost among Churchill’s criticism of the US is the role it played in the exclusion of cultural genocide from the Genocide Convention. As already noted, the US aggressively argued against the inclusion of cultural genocide, even threatening to undermine the entire treaty, while conducting policies that would have been defined as cultural genocide and prohibited by the Genocide Convention had the US not succeeded in winning cultural genocide’s removal. Yet, the subject of cultural genocide is essentially excluded from Power’s “A Problem from Hell.”

Power’s book also omits or disregards a number of cases of genocide. These include genocide in Indonesia from 1965 to 1966, Bangladesh in 1971, and Guatemala from 1979 to 1983. In each case, the US held significant influence over the governments responsible for the atrocities. Further, as previously noted, in the case of Indonesia, the US provided the names of individuals to be killed. Yet, as Edward Herman and David Peterson note, Power devotes only one sentence to Indonesia, “ignoring entirely the mass killings of 1965–1966, mentioning only its invasion-occupation of East Timor in 1975 and after.”

It would be easy to use the omission of political groups from the Genocide Convention to explain the absence of Indonesia’s genocide in “A Problem from Hell,” except that Power writes extensively about the Cambodian genocide. In Power’s words,

The exclusion of political groups from the convention made it much harder in the late 1970s to demonstrate that the Khmer Rouge were committing genocide in Cambodia when they set out to wipe out whole classes of alleged ‘political enemies’.

Thus, Power did not let the omission of political groups deter her from devoting considerable space to the Cambodian genocide.

It is also worth noting that Power severely downplays the role of the US in the rise of the Khmer Rouge. In her passing mention of US bombing raids on Vietnam’s border with Cambodia, Power claims, “U.S. B-52 raids killed tens of thousands of civilians.... American intervention in Cambodia did tremendous damage in its own right, but it also indirectly helped give rise to a monstrous regime.” While it was secretly bombing Cambodia, the US dropped 2,756,941 tons of munitions. As Taylor Owen and Ben
Kiernan note, “Cambodia may well be the most heavily bombed country in history.”\textsuperscript{56} In many cases, Cambodian villages were mercilessly attacked with dozens of B-52 payloads over a period of hours, resulting in “near-total destruction.”\textsuperscript{57} At a minimum, the US killed 50,000 people. However, it is likely the US killed more than 100,000 people.\textsuperscript{58} Power’s description of “tens of thousands” of deaths is simply inadequate. Additionally, whereas Power describes the rise of the Khmer Rouge as an “indirect” consequence of US attacks on Cambodia, Owen and Kiernan describe it as “unintended.” The two terms are not interchangeable. The US bombing of Cambodia, in fact, played a direct, even if unintended, role in the rise of the Khmer Rouge. As Owen and Kiernan explain, the “bombs drove ordinary Cambodians into the arms of the Khmer Rouge, a group that seemed initially to have slim prospects of revolutionary success.”\textsuperscript{59} The damage caused by the B-52 bombings was a main theme of Khmer Rouge propaganda, which, according to the CIA, was quite “effective.”\textsuperscript{60}

While Power labels what happened in Bangladesh as genocide, it receives little more than half of a page of text in a book that is more than 600 pages long. Power cites between one and two million people killed by Pakistani troops, along with the rape of 200,000 girls and women. Yet, on the US role, Power merely states, “The Nixon administration, which was hostile to India and using Pakistan as an intermediary to China, did not protest.”\textsuperscript{61} It would be generous to call this an understatement. The US provided Pakistan with material and diplomatic support prior to and throughout the duration of the genocide, including active obstruction at the Security Council. What Power describes as lack of protest, I argue amounts to complicity in genocide.

Power fails to mention Guatemala altogether—an astonishing oversight. Years before “\textit{A Problem from Hell}” was published, the Commission for Historical Clarification, a UN-supported body, issued its report “Guatemala Memory of Silence.” The Commission found that 83 percent of Guatemala’s victims were Mayan, concluding that “agents of the state committed acts of genocide against groups of Mayan people.”\textsuperscript{62} Herman and Peterson categorize the Guatemalan Genocide as “benign,” because the perpetrator of the genocide was an anti-communist US client state.\textsuperscript{63} They argue that the number of people killed in Guatemala, along with the fact that the overwhelming majority of the victims were members of the Mayan population, makes the period in Guatemala between 1981 and 1983 a clear case of genocide under the Genocide Convention.\textsuperscript{64} Greg Grandin may have identified why Guatemala is not included in Power’s influential text. Grandin summarizes Power’s overarching thesis—“the problem is not what the United States does…but what it doesn’t do; act to stop genocide.”\textsuperscript{65} Grandin continues,

In the Guatemalan case however, genocide was not a result of state decomposition but rather state consolidation, the first step in the military’s plan of national stability and return to constitutional rule. And
it certainly was not the result of Washington’s negligence but rather a
direct consequence of its intervention.66

Power does include a chapter on Iraq in her book, but limits her focus to
Iraq’s Kurdish genocide, ignoring the US sanctions regime during the 1990s
altogether. Additionally, whereas I argue that the US was complicit in the
Kurdish genocide, Power leaves readers with the false impression that the
US chose not to get involved, essentially turning a blind eye, due to geostra-
tegic interests and a lack of “perfect information.”67 Power acknowledges
that the US provided Iraq with military intelligence, but not that the US sold
Iraq weapons, including chemical agents.68 The latter claim simply does not
hold up under scrutiny. The US transferred weapons to Iraq through third
parties and directly sold Iraq “civilian” equipment that was used for mili-
tary purposes. Further, the US sold Iraq chemicals that were incorporated
into Iraq’s chemical weapons program.69 According to Power, in choosing
to back Iraq in the Iran–Iraq war, the US refrained from protesting Iraq’s
genocide. Rather than “send a strong message that genocide would not be
tolerated—that the destruction of Iraq’s rural Kurdish populace would have
to stop—special interests, economic profit, and a geopolitical tilt toward
Iraq thwarted humanitarian concerns.”70 Thus, writes Power, “The Reagan
administration punted on genocide, and the Kurds paid the price.”71

There is a clear pattern in the way Power, as well as others, defines the US
relationship with genocide. It presents the US relationship with genocide
as one of a bystander that simply needs to find the political will and exert
the necessary leadership to take preventive action, meaning intervene mili-
tarily. It whitewashes the essential role the US has played in facilitating the
conditions in which genocide has been committed and ignores entirely the
possibility that the US could be directly responsible for the commission of
genocide. It creates a narrative that must be challenged, because of its prac-
tical impact. As Carol Rittner, John Roth, and James Smith explain in the
introduction to their edited volume Will Genocide Ever End?, “Calling—or
refusing to call—acts of violence genocidal can make huge differences in…
historical memory and its legacies.”72

The dissident strand

In his own contribution to the dissident strand of literature on US foreign
and domestic policy, Jones states that interventions that seek to challenge
the culture of impunity are now more necessary than ever.73 With this
book, I hope to join Jones, Churchill, and Herman and Peterson, as well
as Noam Chomsky, in making a significant contribution to the dissident
strand of literature on US foreign and domestic policy. My book is not
meant to be a direct response to Power’s “A Problem from Hell.” However,
Power’s book, along with the broader treatment of the US in genocide
studies, necessitates a response that involves a critical interrogation of
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the US relationship with genocide. Until there is an honest account of the US’ relationship with genocide, and human rights more broadly, the US will continue to commit international crimes and aid others in doing so, all while operating within a culture of impunity. This is what I seek to do with this book—create the space required to have a more truthful, and hopefully fruitful, conversation, all while actively engaging with my genocide studies peers.

The book from here

The remainder of this book is dedicated to the study of the US relationship with genocide. However, before delving fully into this endeavor, I must first define the parameters within which I assess this relationship. Therefore, in Chapter 2, I defend my definition of genocide. I also explain the principle of state responsibility for violations of international law and summarize the Bosnia v. Serbia Precedent, due to its direct relevance to determining state responsibility for genocide.

In Chapter 3, I present detailed evidence regarding the role the US played in the exclusion of cultural genocide from the Genocide Convention. I then contextualize US opposition to the inclusion of cultural genocide by juxtaposing it with US treatment of its indigenous populations. In Chapters 4–7, I apply my definition and the Bosnia v. Serbia Precedent to a range of cases in which I allege US involvement in genocide, whether as the state directly responsible for the commission of genocide or as a state that shares responsibility for engaging in one or more of genocide’s ancillary crimes.

Chapter 4 analyzes the role the US played in the genocide committed by Indonesia against communist members of its population from 1965 to 1966. In Chapter 5, I evaluate the US’ relationship with the Pakistani and Guatemalan governments at the time each committed genocide against members of their own populations. Chapter 6 is dedicated to the role of the US in genocide in Iraq. It begins with the Kurdish genocide and then moves to the US-imposed sanctions. In Chapter 7, I seek to determine whether the US is responsible for genocide during its war of aggression perpetrated against the people of Vietnam.

The final chapter brings readers to the present day, providing evidence that little has changed. Currently, the US is providing material support for Saudi Arabia’s indiscriminate war and blockade on Yemen, so far leaving as many as 10,000 dead and millions diseased and malnourished. The US has also significantly strengthened its ties to the government in Myanmar, even as human rights organizations have identified precursors to genocide against Myanmar’s Rohingya population. I conclude with a brief summary and comment on US legal and scholarly impunity, both of which contribute to the perpetuation of the culture of impunity in which the US acts at home and around the world.
Notes


3 The full text of the Genocide Convention can be accessed at www.ohchr.org/EN/ProfessionalInterest/Pages/CrimeOfGenocide.aspx.


8 Jones, Genocide, 2nd ed., 74.


15 Ward Churchill satirically titled his examination of genocide in the Western Hemisphere A Little Matter of Genocide.


“Sanctions as Genocide,” In Introduction


27 See Jones, Genocide, 2nd ed., 16–20, for reproduction of many of these definitions.


33 William Schabas, Interview, 17 September 2011.


35 Jones, The Scourge of Genocide, 5.

36 Ibid., 5–6.


38 Charny, “Towards a Generic Definition of Genocide,” 68.

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40 Ibid., 11.
41 Ibid.
44 Ibid., 264–265.
45 Jones, The Scourge of Genocide, 69–70.
47 Jones, The Scourge of Genocide, 5.
50 Ronayne, Never Again, 64. Lawrence LeBlanc questions why it took so long for the U.S. to ratify the Genocide Convention. According to LeBlanc, “It is ironic that the issue should ever have become so controversial. The U.S. delegation to the United Nations participated actively in the negotiations that led to the convention’s adoption, and, whatever misgivings they might have had about any of its provisions, they shared in the broad consensus on the instrument as a whole.” Lawrence LeBlanc, The United States and the Genocide Convention (Durham, NC: Duke University Press, 1991), 5.
52 Ibid.
55 Ibid., 94–95.
57 Ibid.
58 Ibid.
59 Ibid.
60 Ibid.
61 Power, “A Problem from Hell”, 82.
62 Commission for Historical Clarification, “Guatemala Memory of Silence.”
63 Herman and Peterson, The Politics of Genocide, 93.
64 Ibid.
66 Ibid.
68 This is evident in Power’s discussion of possible responses to the gassing of Kurds. According to Power, France had a “thriving arms business with Iraq” and Germany “nonchalantly sold insecticide and other chemicals to Baghdad.”
Meanwhile, a key issue for the US was its “military intelligence liaison relationship” with Iraq. Power, “A Problem from Hell”, 222.


Ibid., 172–173.


### Bibliography


Introduction


Redefining genocide


Cultural genocide


United States Department of the Interior. Rule Governing the Court of Indian Offenses. March 30, 1883.
Conspiracy to commit genocide in Indonesia

Complicity in genocide in Bangladesh and Guatemala


A history of genocide in Iraq


